

Appl. No. 10/037,829

Reply to Office Action of March 31, 2005

REMARKS

Claims 1-10 and 12-21 are pending in the application, with claims 1 and 15 being independent claims. Claims 1, 9 and 20 have been amended.

I. Claim Rejection Under 35 U.S.C. § 103

In the Final Office Action, the Examiner rejected claims 1-10 and 12-21 under 35 U.S.C. Sec. 103(a) as unpatentable over U.S. Patent No. 5,619,036, issued April 8, 1997 to Salvio et al. (hereinafter "Salvio") in view of U.S. Patent Publication 2002/0067413, filed December 4, 2000 by McNamara (hereinafter "McNamara"). This rejection is respectfully traversed.

For a claim to be properly rejected for obviousness, the Examiner must show that the subject matter sought to be patented would have been obvious to one of ordinary skill in the art at the time the invention was made. Applicant respectfully submits that a *prima facie* case of obviousness has not been made out by the Examiner because every critical element appearing in the claims is not disclosed by the cited references.

Claim 1 of the instant application discloses a vision enhancement system for use on a vehicle that has an exterior body portion. The vision enhancement system comprises a camera mounted to the vehicle behind the exterior body portion and a door moveably mounted in the body portion. The door is positioned in the camera's line of sight and is capable of being moved between a closed position and an open position. The system further comprises an actuator for selectively positioning the door in the open and closed positions and a controller coupled to the camera and to the actuator for opening the door and activating the camera when exterior ambient light falls below a predetermined threshold.

Claim 15 of the instant application discloses a night vision enhancement system for use on a vehicle that has a front grill. The night vision enhancement system comprises a night vision camera that is mounted behind the grill and that has a forwardly directed line of sight and a door having a decorative exterior pivotally coupled to the grill in the camera's line of sight. The door is capable of being moved between an open position and a closed position. A motor is coupled to the door for selectively positioning the door in the open and closed positions. A controller is coupled to the motor and to the camera for energizing the motor and activating the camera when exterior ambient light falls below a predetermined threshold.

In contrast, Salvio does not disclose a controller that opens the door and activates the camera when exterior ambient light falls below a predetermined threshold. The Examiner asserts that Salvio discloses a controller 10. However, element 10 of Salvio is not a controller but rather is a camera assembly 10 that includes an infrared camera 14 secured to a bracket 16. (Salvio, Col. 2, lines 40-43) In Salvio, the camera assembly 10 does not include a door but, rather, "[a] door assembly 40 [comprising a pivotally mounted door 42] is mounted in the grille 12 in front of the camera assembly 10". (Col. 3, lines 4-5). Nowhere does Salvio disclose a controller that activates infrared camera 14 of camera assembly 10 and opens door 42 of door assembly 40. Further, nowhere does Salvio disclose a controller that opens door 42 when exterior ambient light falls below a predetermined threshold value.

Similarly, McNamara does not teach, suggest, or disclose a controller that activates an infrared camera within a vehicle and opens a door within the camera's line of sight. McNamara also does not teach, suggest or disclose a controller that opens a door within a vehicle when exterior ambient light falls below a predetermined threshold value. Further, as discussed in the Response filed January 5, 2005, McNamara does not disclose a controller that activates an infrared camera when exterior ambient light falls below a predetermined threshold value. Referring to McNamara, luminance threshold detector 24 controls a first analog switch 18 that opens or closes an automatic gain control (AGC) feedback loop. (Para. [0018]) Luminance threshold detector 24 also controls a second switch 32 that controls a camera iris. (Para. [0019]). Nowhere does McNamara disclose a controller that activates a camera when exterior ambient light falls below a predetermined threshold value.

Accordingly, neither Salvio, nor McNamara, nor a combination thereof discloses a controller that activates a camera and opens a door within the camera's line of sight when exterior ambient light falls below a predetermined threshold. Thus, because neither Salvio nor McNamara discloses every critical element of claims 1 and 15 and, hence, claims 2-10, 12-14 and 16-21 that depend therefrom, neither Salvio, nor McNamara, nor a combination thereof, renders claims 1-10 and 12-21 obvious.

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II. Conclusion


In conclusion, in view of Applicants' remarks, it is respectfully submitted that Claims 1-10 and 12-21 are allowable and that Examiner's rejection under 35 USC § 103 has been overcome. Accordingly, Applicants respectfully submit that the application, as amended, is now in condition for allowance, and such allowance is therefore earnestly requested.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

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